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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 8th meeting
Held at Headquarters, New York, on Monday, 16 June 2003, at 10 a.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

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03-39772 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas) (A/AC.109/2003/17; A/AC.109/2003/L.12)

2. **The Chairman** informed the members of the Committee that the delegations of Argentina, Brazil, the Dominican Republic, Paraguay, Peru and Uruguay had expressed the wish to participate in the Committee's consideration of the question. In accordance with established practice and since there were no objections, he invited the delegations of Argentina, Brazil, the Dominican Republic, Paraguay, Peru and Uruguay to take places at the Committee table.

Hearing of representatives of Non-Self-Governing Territories (Aide-memoire 12/03)

3. *At the invitation of the Chairman, Mr. Summers (Member of the Legislative Council of the Falkland Islands) and Mr. Birmingham (Member of the Legislative Council of the Falkland Islands) took places at the table.*

4. **Mr. Summers** (Member of the Legislative Council of the Falkland Islands) said that they had been unable to participate in the Special Committee seminar in Anguilla because it had coincided with the budget session of the Legislative Council. Although the Falkland Islands were not in the Caribbean, they regularly discussed with their Caribbean colleagues at meetings of the Commonwealth, the European Union and British overseas Territories the issues of self-determination and the development of internal self-government for the peoples of dependent island States. One of the common features of the styles and methods of government in each of those countries was that they currently chose not to seek independence.

5. In connection with the statement by the Secretary-General in his message to the participants in the Anguilla seminar that, according to the Charter of the United Nations and the Declaration on decolonization, a full measure of self-government could be achieved by a Non-Self-Governing Territory through free association or integration with another State, or independence, he noted that, for the past 20 years, the Falkland Islands had pursued a route to free association with the United Kingdom. The Falkland Islands was not a colony, nor did the United Kingdom Government regard it as such because it recognized that the days of authoritarian colonial dominance were long past. The United Nations would no longer tolerate those who pursued territorial claims while ignoring the wishes of the peoples of Non-Self-Governing Territories.

6. The Falkland Islands had a modern Constitution and an excellent working relationship with the United Kingdom. For some years now, Falkland Islanders had run their own affairs through a democratically elected Government, with the exception of foreign affairs and defence, which came under the authority of the United Kingdom Government. That situation was due in large part to the actions of Argentina, which, disregarding the Charter's provisions on the right to self-determination, was actually seeking to frustrate self-government in the Falkland Islands and to bar its representatives from international bodies and trade fairs. That directly contradicted the principle of fostering internal self-government for the world's peoples, which was one of the key tasks of the Special Committee.

7. The civil service in the Falkland Islands was free of corruption and acted on the advice and instructions of the Executive Council, the voting members of which were elected members of the Legislative Council. There were no senior officials in the Falkland Islands' system of government appointed by the United Kingdom Government to determine or dictate policy or to run the islands' affairs. Every member of the Legislative Council was elected based on a mandate of continuing allegiance to and close cooperation with the United Kingdom and an undertaking to make no concessions to Argentina on sovereignty, while being committed to fostering cooperation in areas of mutual interest, for example, the protection of the region's fish stocks.

8. Argentina's claim to the Falkland Islands was baseless because it relied solely on the dubious arguments of historical commonality and territorial integrity. The so-called occupation of the Falkland Islands, if it had ever happened, had been very short-lived and had ended more than 160 years earlier. In that connection, it was both a practical and a political impossibility to roll back 160 years of history and expect to find happy solutions.

9. The myth of occupation was closely linked to the doctrine of territorial integrity, which Argentina cited as the basis for its claims, although it was applicable only in very different circumstances. Falkland Islanders were wholly different from Argentines — geographically, geophysically, culturally, linguistically and historically. The islands were 400 miles from the Argentine coast. Moreover, as the representatives of Gibraltar had observed, there was in United Nations doctrine no principle of decolonization that presupposed its realization by applying the principle of territorial integrity.

10. Self-determination for the people of the Falkland Islands must be the guiding principle for the United Kingdom, Argentina and the members of the Committee. Argentina's argument that the principle of self-determination did not apply to the Falkland Islands because the islanders were not a distinct people was entirely baseless. Falkland Islanders were as much a people as those of Argentina, Brazil, Chile and other South American countries, whose inhabitants were principally of European or African descent.

11. It was no use Argentina saying that its administration would respect the islanders' interests; it was the islanders' wishes that it should respect, as demanded by the Charter of the United Nations. The people of the Falkland Islands had no wish to change from a British to an Argentine administration; that had been amply demonstrated by the results of the general elections held over the past several decades. The solution to the Argentine problem concerning the Falkland Islands did not lie in arguing about history, but in accepting reality and respecting the wishes of the people. The new Government of Argentina had an opportunity to demonstrate its political maturity on the world stage by setting aside its claim to the Falkland Islands and taking appropriate steps to create a safe and prosperous area in the South-West Atlantic.

12. The Committee should place self-determination and the development of internal self-government at the forefront of its work and, if the people of the Falkland Islands wished to continue to develop their economy and society in partnership with the United Kingdom, it was inconceivable why the Committee, which was responsible for fostering such development, could not support them in their aspiration. He expressed the hope that, in future, no resolution on the Falkland Islands would be introduced without a reference to the right to self-determination of all peoples.

13. *Mr. Summers withdrew.*

14. **Mr. Birmingham** (Member of the Legislative Council of the Falkland Islands) said that the problem remained the same, namely, that Argentina continued to believe that it owned the Falkland Islands. The islands belonged to the people who lived on them, and many families had lived there for more than 160 years. The islanders could not understand why the United Nations was unable to accept that, in the life of the Special Committee, the situation in many small States, such as the Falkland Islands, had changed enormously. The Falkland Islands had a system of internal self-government in partnership with the United Kingdom and a modern Constitution, the bases of which had been laid down in 1985 and which provided for the right to self-determination and to dispose of the islands' natural wealth based on the principles of international law and included a range of other rights and freedoms. Efforts were currently under way to include in the text of the Constitution new provisions aimed at strengthening fundamental rights and freedoms and increasing the efficiency of the Falkland Islands' democratic system.

15. The 1999 United Kingdom Government White Paper on the future of its overseas Territories set out four principles underlying their relationship with the metropolis: partnership founded on the Territories' right to self-determination; defence of the overseas Territories' encouragement of their sustainable development and protection of their interests in the international arena; maximum control by the overseas Territories over their own lives; and continued aid to the overseas Territories. It should be noted that, over the past 15 years, the Falkland Islands had been economically self-sufficient, except for defence costs, and would continue to be so for the foreseeable future.

16. The elected Government of the Falkland Islands hoped that the new President of Argentina and his Government would cope successfully with the tasks facing them and that they would contribute to the further development of cooperation in the South-West Atlantic on issues of mutual interest, not least in the conservation of marine resources. The time had come for politicians in Argentina and the members of the Special Committee to look at the situation in that part of the world from a twenty-first century perspective and to leave behind outdated views and prejudices. Lastly, he expressed gratitude to those countries and delegations that continued to support the people of the

Falkland Islands in their struggle for recognition of their right to self-determination.

17. *Mr. Birmingham withdrew.*

Hearing of petitioners (Aide-memoire 12/03)

18. *At the invitation of the Chairman, Mr. Lewis took a place at the petitioners' table.*

19. **Mr. Lewis** said that he was a native of the Falkland Islands (Malvinas) and lived in Argentina. His ancestors, who had come to the Falkland Islands (Malvinas) in 1869, had moved permanently to Argentina in the 1890s. They had adapted successfully to local conditions, preserving their traditions and continuing to speak their mother tongue. The fact was that, from the early nineteenth century, the Argentine Republic had opened its doors to emigrants from all countries of the world, including the United Kingdom, and that immigrants from the Falkland Islands (Malvinas) in particular had found themselves, on arriving in Patagonia, in conditions similar to those to which they had become accustomed on the islands, which had enabled them to integrate smoothly in Argentine society. In that connection, it was curious that the recently elected President of Argentina Nestor Kirchner, former governor of Santa Cruz province, was also a descendant of immigrants.

20. He noted that Argentine democracy was not standing still and that the country was moving along the path to a stable and mature society. The record harvest, the successes achieved in combating disease in livestock, the increase in the production of wool and woollen goods and the development of other branches, notwithstanding the heavy debt burden, gave reason to view Argentina's prospects for economic growth optimistically. In that connection, the possibility of cooperation with farmers in the Falkland Islands (Malvinas), particularly in promoting the development of tourism, was interesting. The high world prices for meat also opened up broad opportunities for cooperation in developing the production of meat products and conquering new markets. Surplus livestock on the islands could be exported to slaughterhouses in the port cities of continental Argentina, as in the past. Joint exploitation of the gene pool also promised large profits for cattle breeders, both on the mainland and in the Falkland Islands (Malvinas). He drew attention to the existing cooperation in the fields of fisheries and natural resource conservation and pointed out that exploration of the oil deposits on the Falkland Islands (Malvinas) shelf was not economically feasible without assistance from Argentina. In other words, there were many areas in which cooperation between Argentina and the Falkland Islands (Malvinas) could be very advantageous for both countries.

21. Although he understood the reasons for the apprehension and mistrust of the inhabitants of the Falkland Islands (Malvinas), they could not deny the legitimacy of Argentina's claim to the islands and the need to reach an agreement on the matter in the long run.

22. Argentina's territorial integrity had been violated in 1833, when English troops had driven the Argentine population and administration from Port Louis, committing an act of violence that Argentina had always condemned and continued to condemn. Argentina would not renounce its claim to the Falkland Islands (Malvinas), and such gestures as the adoption in 1994 of amendments to the Constitution strengthening the safeguards for the preservation of the distinct way of life of the inhabitants of the Falkland Islands (Malvinas) in accordance with the norms of international law demonstrated its intention to solve the problem by peaceful means.

23. Lastly, he called on the population of the Falkland Islands (Malvinas), together with the entire Argentine people, which was pinning its hopes on the new Government of Argentina in the expectation that it would undertake the necessary democratic reforms, to trust in the shining future of Argentina and urge the United Kingdom to fulfil the relevant provisions of the resolutions of the General Assembly and the Special Political and Decolonization Committee and resume negotiations with a view to finding a just and lasting solution to the question.

24. *Mr. Lewis withdrew.*

25. *At the invitation of the Chairman, Mr. Betts took a place at the petitioners' table.*

26. **Mr. Betts** said that, as a native and resident of the Falkland Islands (Malvinas), the question was of special interest to him. In his view, the crux of the problem was not the issue of self-determination for the Territory's population, but rather the illegal occupation of a Territory and the resultant demand by the injured State for the full recognition of its pre-existing

legitimate sovereignty over that Territory. Accordingly, the only acceptable basis for finding a just and definitive solution to the question of the Falkland Islands (Malvinas) was the internationally recognized principle of territorial integrity.

27. In 1833, the United Kingdom had invaded the Malvinas Islands and seized them by force, expelling the Argentine administration and the legal residents of the Territory. Argentina had never recognized that act, which had led to the violation of its territorial integrity, and all the claims to sovereignty over the Malvinas Islands by successive Argentine Governments had been based on solid legal grounds.

28. On gaining independence from Spain in 1810, Argentina had succeeded to all the rights and titles of the Spanish Crown, including sovereignty over former Spanish possessions. Until the beginning of January 1833, Argentine administration of the Malvinas Islands had been entrusted to governors, and not one State challenged their rights and prerogatives, nor any of the legal and administrative acts they had performed. The question of Argentina's legal sovereignty over the Malvinas Islands had not even been raised by the United Kingdom, either when it had officially recognized Argentina's independence in 1823, or when it had signed the bilateral Treaty of Amity, Commerce and Navigation in 1825.

29. Since the 1970s, the United Kingdom had not once attempted to enter into serious negotiations on sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands. On the contrary, it had always resorted to delaying tactics, reflecting its unwillingness to discuss the issue. It was not acceptable to distort the principle of self-determination by invoking it to perpetuate the vestiges of colonialism, to the detriment of a population's pre-existing rights. Not one State had voted against resolution 2065 (XX), which recognized the existence of a dispute concerning sovereignty over the Falkland Islands (Malvinas). The United Kingdom had thus also recognized the existence of such a dispute. The implementation of the provisions of the draft resolution to be introduced would contribute to the achievement of the goal of eradicating colonialism throughout the world.

30. *Mr. Betts withdrew.*

31. **Mr. Muñoz** (Chile), introducing draft resolution A/AC.109/2003/L.12 on the question of the Malvinas Islands on behalf of Bolivia, Chile, Cuba and Venezuela, said that it reflected the main elements of United Nations doctrine on the issue. The text emphasized the special and particular colonial situation in the question of the Malvinas Islands and stated that the only way to settle the dispute between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland was through negotiations. The draft resolution also called on both parties to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find a solution, in accordance with the resolutions of the United Nations. He noted that the presence at the meeting of a large number of representatives of Latin American countries in itself reflected the interest of the countries of the region in a definitive solution to the question of the Malvinas Islands. Chile supported the right of the Argentine people in the dispute concerning sovereignty over the Malvinas Islands and regretted that the issue had yet to be resolved. It considered that there was no reason to put off the solution to the question of the Malvinas Islands, and called on both parties to resume negotiations to that end as soon as possible.

32. Lastly, he expressed the hope that the Committee would support the draft resolution and that it would be adopted by consensus as in previous years.

33. **Mr. Bielsa** (Observer for Argentina) recalled that, since 1965, the General Assembly had adopted 10 resolutions recognizing the existence of a dispute concerning sovereignty over the Malvinas Islands. Essentially, it was a question of reconciling respect for Argentina's territorial integrity with the recognition of the interests of the islands' inhabitants. In 1985, the General Assembly had reaffirmed that position by ruling out the application of the principle of self-determination to the question of the Malvinas Islands. For that reason, the Committee had defined the question as a special and particular colonial situation and had repeatedly requested Argentina and the United Kingdom to resume bilateral negotiations in order to find, as soon as possible, a peaceful solution to the sovereignty dispute.

34. The National Constitution of Argentina provided for the restoration of full sovereignty while respecting the way of life of the inhabitants of the islands and observing the norms of international law. The country's new Government was resolved to continue that policy.

35. Since the start of its existence, the Argentine Republic had demonstrated a firm determination to exercise its effective sovereignty over the archipelagos and maritime areas of the South Atlantic inherited from Spain. He recalled that, on 10 June 1829, the Government of Argentina had established the Political and Military Command of the Malvinas Islands and the Islands Adjacent to Cape Horn and appointed the first Argentine resident governor. However, on 3 January 1833, British forces had occupied the Malvinas Islands, expelling the local population and the Argentine authorities. The maintenance of that situation could not be considered a source of rights over those Territories for the United Kingdom or its subjects, who had been settled on the islands by the occupying Power. Now, 170 years after the British military occupation, the parties to the dispute must resume negotiations, but that had not yet been possible due to the reluctance of one of them.

36. Argentina's continued willingness to settle the question of sovereignty peacefully and definitively had not been met by a sincere demonstration of goodwill on the part of the United Kingdom. It was not acceptable to use the military conflict between Argentina and the United Kingdom as a pretext for shunning the negotiations that had begun in 1966 and continued until 1982. It was also unacceptable and offensive to call for the renunciation of a just and historical claim.

37. In the Joint Statement of 19 October 1989, Argentina and the United Kingdom had agreed to normalize their bilateral relations, while reserving the right of both countries to maintain their respective positions in the dispute concerning sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. Subsequently, some very useful understandings had been reached between the two countries on practical aspects relating to the South Atlantic, including the conservation of fish stocks and communications between the islands and the mainland; that should have contributed to the creation of favourable conditions for the settlement of the dispute. Nevertheless, the British occupation had continued, negotiations had still not resumed and the question of the Malvinas Islands remained unresolved.

38. The understandings reached were not a substitute for a definitive solution to the sovereignty dispute. Such a solution could be achieved only through the resumption of negotiations between the two countries, as had been urged year after year by the General Assembly, the Special Committee and the Organization of American States (OAS). The Argentine Republic was willing to resume dialogue with the United Kingdom with a view to implementing practical and innovative steps that would facilitate a solution to the dispute. He called on the United Kingdom to respond positively to Argentina's willingness to negotiate and thus to comply with the aforementioned resolutions.

39. **Mr. de Rivero** (Observer for Peru), speaking on behalf of the 19 States members of the Rio Group, said that the Group supported the work of the Special Committee in the field of decolonization based on the principles set forth in the Declaration on the Granting of Independence to Colonial Countries and Peoples. Notwithstanding the substantial achievements made in the field of decolonization over the past 60 years, that process was not yet complete and required special attention from the international community, as demonstrated by the declaration of the Second International Decade for the Eradication of Colonialism. The Plan of action for the Second International Decade called for the completion of the decolonization of the Non-Self-Governing Territories, either through the exercise of the right to self-determination or through the holding of consultations and negotiations among the States concerned with a view to settling unresolved issues. It was precisely such a spirit of conciliation that was needed in addressing the question of the Malvinas Islands, the solution to which consisted in settling the sovereignty dispute. In that connection, the countries members of the Rio Group believed that the Governments of Argentina and the United Kingdom must resume negotiations in order to find, as soon as possible, a peaceful, just and lasting solution to the dispute concerning sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands, in accordance with the resolutions of the General Assembly and the Committee. Speaking as the representative of Peru, he said that, in his delegation's view, the solution to the dispute must be based on recognition of the legitimate rights of Argentina to sovereignty over those islands, including the surrounding maritime areas. Its position on the issue was founded on historical, geographical and legal criteria flowing from Argentina's right to possession of the Malvinas Islands, which it had inherited on gaining its independence. Lastly, he said that a frank and open

dialogue should facilitate the peaceful resolution of the problem of the Malvinas Islands, which was a legacy of the colonial era.

40. Mr. Lolzaga (Observer for Paraguay), speaking on behalf of the States members of the Southern Common Market (MERCOSUR) and, in addition, Bolivia and Chile, noted that a colonial situation had persisted in the Malvinas Islands, notwithstanding the numerous resolutions on the issue. MERCOSUR and Bolivia and Chile had spoken on the question of the Malvinas Islands time and again at meetings of the Committee and in other international forums, and their position remained unchanged. In the declaration on the Malvinas Islands adopted at the tenth high-level meeting, held in Potrero de Funes, Argentina, the Presidents of seven countries had expressed their firm support for the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands. In addition, in June 1999 in Asuncion, the heads of State of the members of MERCOSUR and Bolivia and Chile had reiterated their solidarity with Argentina and expressed satisfaction that the Governments of Argentina and the United Kingdom were continuing to strengthen their political, trade and cultural ties and to develop bilateral and multilateral cooperation.

41. The draft resolution just introduced reflected the common interest of the countries members of MERCOSUR and Bolivia and Chile in the prompt, definitive and peaceful settlement of the dispute and in the ending of the colonial situation, in accordance with the resolutions of the Committee and the General Assembly and the declarations of OAS.

42. Mr. Tarrisse da Fontoura (Observer for Brazil), noting the existence of a dispute between Argentina and the United Kingdom concerning sovereignty over the Malvinas Islands, said that his delegation supported the rights of Argentina in that dispute. He expressed satisfaction that, in recent years, Argentina and the United Kingdom had reached a number of temporary understandings on various issues, including fisheries and maritime and air communication; that should facilitate the development of contacts between the continental part of Argentina and the Malvinas Islands and the achievement of greater mutual understanding between the inhabitants of the South Atlantic. His delegation hoped that the spirit of cooperation would be extended to other spheres and would contribute to the establishment of a favourable climate for the settlement of the sovereignty dispute.

43. On 10 June, the thirty-third session of the General Assembly of OAS had adopted the declaration on the question of the Malvinas Islands, in which it had reaffirmed the need for Argentina and the United Kingdom to begin, as soon as possible, negotiations in order to find a peaceful solution to the protracted sovereignty dispute. In addition, the tenth meeting of the Presidents of the States members of MERCOSUR had adopted the declaration on the question of the Malvinas Islands, in which the heads of State of the members of MERCOSUR and the Presidents of Bolivia and Chile had reiterated their support for the legitimate rights of Argentina in the sovereignty dispute and expressed the interest of the countries of the hemisphere in the prompt settlement of the dispute, in accordance with the resolutions of the United Nations and OAS. Also, at the meeting of South American Presidents held in Brasilia in August-September 2000, the participants had noted the existence in the Malvinas Islands of a colonial situation incompatible with the ideals of peace, security and cooperation on the subcontinent and called for the earliest possible resumption of negotiations in order to find a peaceful and lasting solution to the sovereignty dispute.

44. Welcoming the positive changes referred to in the working paper prepared by the Secretariat (A/AC.109/2002/16), he expressed regret that the implementation of the General Assembly resolutions on the question had not yet begun. His delegation supported the draft resolution submitted by Bolivia, Chile, Cuba and Venezuela.

45. Mr. Wang Yingfan (China) said that the question of the Falkland Islands (Malvinas) had been before the General Assembly for a long time. Also the Special Committee had repeatedly adopted resolutions calling on the Governments of Argentina and the United Kingdom to intensify dialogue and resume negotiations in order to find, as soon as possible, a peaceful solution to the dispute concerning sovereignty over the Falkland Islands (Malvinas). The principle of the peaceful settlement of disputes between countries through negotiations was universally recognized in the international community and reflected the spirit of the Charter of the United Nations, and his delegation hoped that the Governments of Argentina and the United Kingdom would continue constructive dialogue in the interests of achieving a peaceful and just solution to the problem. His delegation supported the

adoption of the draft resolution on the question just introduced.

46. **Ms. Pulido Santana** (Venezuela) said that the presence of the Minister for Foreign Affairs, International Trade and Worship of Argentina and his delegation at the Committee's meeting in itself demonstrated Argentina's firm commitment to pursue its efforts to resolve the question of the Malvinas Islands through negotiations. OAS had recently reaffirmed its continuing interest in the issue, and the presence at the meeting of a large number of delegations from Latin American countries was a further manifestation of their solidarity with Argentina in that regard. Her delegation had steadfastly supported Argentina's rights in the dispute concerning sovereignty over the Malvinas Islands, both within the United Nations and in other international forums.

47. She recalled that the General Assembly had recognized the existence of a sovereignty dispute between Argentina and the United Kingdom and had come to the conclusion that, in order to resolve that issue, it was necessary to put an end to the colonial situation and to seek a way of settling the dispute through genuine negotiations. In her view, the question of the Malvinas Islands was undoubtedly within the competence of the Committee, which was entrusted with all issues relating to colonization.

48. The draft resolution just introduced reflected the position consistently taken by the United Nations on the question of the Malvinas Islands over many years. It reiterated the call for the resumption of negotiations between Argentina and the United Kingdom in order to find a satisfactory solution. The successful development of bilateral relations between the two countries gave reason to hope that the necessary conditions would be established for the resumption of the quest for an acceptable solution. Lastly, she expressed the hope that the adoption of the draft resolution would prompt Argentina and the United Kingdom to take the steps necessary for its speedy implementation.

49. **Mr. Villanueva Callot** (Dominican Republic), speaking as Acting Secretary of the Ibero-American Summit, said that his delegation supported a just and lasting settlement to the dispute between the Governments of Argentina and the United Kingdom, so that the conflict in the South Atlantic could be resolved by peaceful means.

50. His delegation urged the parties to the conflict to continue the peace talks, which could lead to a definitive, appropriate and realistic solution that reflected the legitimate aspirations referred to in the United Nations resolutions on the issue. His Government wished to reaffirm its readiness to lend support to the Special Committee and regarded it as the appropriate forum for further consideration of the question of the Malvinas Islands. His delegation supported the draft resolution before the Committee.

51. The heads of State and Government who had participated in the twelfth Ibero-American Summit wished to reaffirm the need for the Governments of Argentina and the United Kingdom to resume, as soon as possible, negotiations to find a prompt solution to the dispute concerning sovereignty of the Malvinas Islands, in accordance with the resolutions of the United Nations and OAS and the Charter of the United Nations and taking into account the principle of territorial integrity.

52. **Mr. Paolillo** (Uruguay) said that Argentina had never questioned the right of the population of the Malvinas Islands freely to determine its political status and to pursue its economic, social and cultural development. It had repeatedly stated that it respected the way of life, traditions and customs of the Islands' inhabitants and would guarantee their well-being and encourage the full exercise of their rights.

53. Clearly, the islands' inhabitants might prefer to be under the sovereignty of the United Kingdom and live in British territory or to be under the sovereignty of Argentina. But they could not be under the sovereignty of one country while living in the territory of another. Since they were in Argentine territory, the inhabitants of the Malvinas Islands could not be subjects of the United Kingdom and obey British laws. The right to self-determination, which was enshrined in various international documents, did not envisage such a situation. The right to self-determination was not boundless, and it must be exercised on the basis of respect for the territorial integrity of States.

54. The heads of State must settle the question by peaceful means at the earliest opportunity. As the international community had already stated, the situation in the Malvinas Islands was an unresolved problem that required an urgent solution; that would depend to a significant extent on the strengthening of

the friendly relations between the two countries, which was in the interests of the entire South Atlantic region.

55. **Mr. Djumala** (Indonesia) said that it was imperative to resolve the status of the remaining Non-Self-Governing Territories expeditiously and, in particular, to settle the question of the Falkland Islands (Malvinas). The Committee had always recognized that no universal criteria could be applied to decolonization. The question of the Falkland Islands (Malvinas) was no exception. In its resolutions 2065 (XX) and 3160 (XXVIII), the General Assembly had noted the existence of a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas) and called on them to begin negotiations as soon as possible in order to find a peaceful solution to the problem.

56. He noted, however, that there had been some positive developments in the bilateral relations between Argentina and the United Kingdom, including the exchange of high-level visits, the sharing of information with a view to the conduct of a feasibility study for a demining project and negotiations aimed at finding ways to overcome differences in other areas in a spirit of mutual trust.

57. A speedy resolution to the question of the Falkland Islands (Malvinas) could be achieved only through peaceful means, in accordance with the relevant resolutions of the United Nations, the principles of the Charter and the norms of international law. He noted with satisfaction that the parties had expressed a willingness to resume negotiations and expressed the hope that the Committee would adopt the draft resolution before it by consensus.

58. **Mr. Rodríguez Parilla** (Cuba) expressed support for the legitimate right of Argentina in the sovereignty dispute over the Malvinas Islands. Only the continuation of frank and open dialogue in a spirit of compromise and cooperation between the Governments of Argentina and the United Kingdom could lead to a just, peaceful and appropriate settlement to the conflict. His delegation had joined the sponsors of the draft resolution and called on the members of the Committee to adopt it without a vote.

59. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) said that good relations had been established between the sides in the dispute. Côte d'Ivoire, which had friendly relations with both countries, considered that the Governments of Argentina and the United Kingdom must examine all aspects of the future of the Falkland Islands (Malvinas). It was necessary to find a definitive solution to the problem. He called on all members to adopt the draft resolution.

60. **Mr. Atieh** (Syrian Arab Republic) said that the draft resolution's adoption by consensus would demonstrate the role that the international community was playing in helping to resolve the dispute over the Malvinas Islands. With the continuation of dialogue and meetings between Argentina and the United Kingdom, it would be possible to achieve a solution acceptable to both sides.

61. **Mr. Kabtani** (Tunisia) called for the adoption of the draft resolution by consensus.

62. **Mr. Rudakov** (Russian Federation) said that his delegation supported the draft resolution on the question of the Falkland Islands (Malvinas) just introduced and expressed the hope that, as in past years, it would be possible to achieve a consensus on the issue. His delegation maintained that there was a need to find a mutually acceptable solution to the problem through bilateral negotiations between Argentina and the United Kingdom, taking into account the relevant decisions of the General Assembly.

63. **Mr. Ortiz Gandarillas** (Bolivia) welcomed the statement by the Minister for Foreign Affairs of Argentina. Bolivia's position was well known and had been adequately reflected in the statements made by the representative of Peru on behalf of the Rio Group, of which Bolivia was a member, and the representative of Paraguay on behalf of MERCOSUR and Bolivia and Chile, in their capacity as associated members. First, Bolivia supported Argentina's position in the sovereignty dispute over the Falkland Islands (Malvinas). Second, in accordance with paragraph 4 of the draft resolution, it called on Argentina and the United Kingdom to begin negotiations as soon as possible in order to find a solution. His delegation, as one of the sponsors of the draft resolution introduced by Chile, trusted that it would be adopted by consensus.

64. **Mr. Okio** (Congo) expressed gratitude to the Minister for Foreign Affairs of Argentina for his statement and to the petitioners for the information they had provided, which made it possible to assess the situation on the islands. His delegation was convinced

that frank and open dialogue was the only way to achieve a peaceful solution to the sovereignty dispute. He supported the draft resolution and expressed the hope that decisive steps by Argentina and the United Kingdom would make it possible to achieve significant and long-awaited progress and to settle the dispute before the end of the Second International Decade for the Eradication of Colonialism, in accordance with the principles of the Charter of the United Nations.

65. **Mr. Abebe** (Ethiopia) welcomed the statement made by the Minister for Foreign Affairs of Argentina and called for a peaceful solution to the question of the Falkland Islands (Malvinas) through sustained and consistent efforts by the parties, taking into account the wishes and interests of the inhabitants of the Falkland Islands (Malvinas). In that connection, he supported the spirit and letter of the draft resolution introduced by Chile.

66. **Ms. Mulamula** (United Republic of Tanzania), welcoming the statements made by the Minister for Foreign Affairs of Argentina and the petitioners, said that progress on the issue should be made taking into account the interests of the population of the Falkland Islands (Malvinas). She called on all the parties to resume negotiations in order to settle the question before the end of the Second International Decade for the Eradication of Colonialism and expressed support for the draft resolution's adoption by consensus.

67. **The Chairman** noted that the sponsors of draft resolution A/AC.109/2003/L.12 had expressed the wish that the Committee should adopt the draft resolution without a vote. Since there were no objections, he would take it that the Committee wished to proceed in that manner.

68. *Draft resolution A/AC.109/2003/L.12 was adopted.*

69. **Mr. Lewis** (Antigua and Barbuda) said that he was speaking after the adoption of the draft resolution so that no one could form the impression that he did not support the consensus. He hoped for positive results from the efforts on the issue under consideration. Delegations differed, however, concerning the direction of the Committee's future work on the question: while the Committee should, in principle, consider the issue of self-determination, a number of delegations were proposing that it should consider the issue of sovereignty. Notwithstanding the calls for respect for the rights of the people of the Territory, the discussions thus far had dealt mainly with the right of eminent domain. The draft resolution did not refer to the principle of self-determination, and there had been no mention of the three options in the course of the discussion.

70. He noted with satisfaction the contacts between Argentina and the United Kingdom and urged the Governments of those countries to intensify their cooperation in such fields as horticulture and fisheries and perhaps, guided by the interests of the population of the disputed Territory, to follow the example of Guyana and Venezuela.

71. The Committee must differentiate between self-determination and sovereignty. Since the Committee had no mandate to consider sovereignty issues, it could merely make exhortations. If examining sovereignty issues somehow eased the pressure on the States concerned the Committee should continue to do so, but not under the guise of self-determination.

72. **Mr. Stanislaus** (Grenada) said that the crux of the problem was unquestionably the issue of sovereignty. In order to resolve the question of the Falkland Islands (Malvinas) while taking into account the views of the population, that Gordian knot must be cut. The sides must focus on those things that united them — fishing rights, development of communication systems and tourism — and leave the "impossible" for later.

73. **Mr. Ovia** (Papua New Guinea) said that, while his delegation had joined the consensus on the draft resolution in the belief that the problem could be resolved, it had the same questions regarding the Committee's mandate as the representatives of Antigua and Barbuda and Grenada. A vitally important matter was at issue, namely, whether the Committee was mandated to consider sovereignty issues. Lastly, he urged the Committee to take a proactive position on the status of the last 16 Non-Self-Governing Territories.

The meeting rose at 12.30 p.m.